

Development Application: 1 Missenden Road, Camperdown

File No.: D/2018/73

Summary

Date of Submission: 2 February 2018. Amended plans and documentation were requested and received on 26 March 2018 and 17 May 2018. The Voluntary Planning Agreement continued to be negotiated until 28 February 2019.

Applicant: OARE No.3 Pty Ltd

Designer: Arcadis

Developer: OARE No.3 Pty Ltd

Owners: George Hay Pty Ltd- owner of Lot 150 in SP46789; and
Owners Corporation of Strata Plan 46789 - Rhodes House Apartments

Cost of Works: \$408,192.00

Proposal Summary: Demolition of the existing 42.66sqm externally illuminated third party wall advertisement and associated catwalk gantry located on the western elevation of the six storey residential flat building currently occupying the site.

The application seeks consent to replace the existing third party advertising sign with a digitally illuminated LED advertising sign to be 7.32m(h) x 5.11m(w) resulting in a total advertising area of 37.4sqm. The new digital sign will be located 250mm below the building parapet and 400mm clear of the northern building edge, framed by the existing building facade in a portrait format as opposed to the existing landscape format of the vinyl billboard sign.

The proposed development exceeds the maximum height of buildings development standard under Clause 4.3 of the Sydney Local Environmental Plan 2012. The entire sign will be positioned above the maximum 22m height standard, with the maximum height of the sign 30.6m. A written request to vary the development standard has been submitted addressing Clause 4.6 of the Sydney LEP 2012.

**Proposal Summary
(continued):**

The variation request has been recommended for support as part of this assessment as it results in a reduction in height compared to the existing.

To provide a public benefit in accordance with State Environmental Planning Policy 64 the applicant has offered to enter into a Voluntary Planning Agreement (VPA) to facilitate 10% of the advertising time available free of cost for use by the City of Sydney to display public information, community messages and promotion of Council events and initiatives. This is consistent with other technology conversions of existing signs. At the time of writing this report, the VPA was on public exhibition until 8 April 2019. The application is recommended for delegation to the CEO to determine following the completion of the public exhibition process for the VPA.

The proposal was amended during the assessment process addressing the location and scale of the sign, its visual impacts and public benefit. The amendments resulted in a reduction in the overall size of the sign and improved operation including minimum dwell times and transition times between day-time and night-time.

Three submissions were received which raised concerns about visual impact, height, projection of the sign, streetscape, illumination, economic impacts, content, energy consumption and compliance with planning controls.

The proposed development in its amended form is considered to be a satisfactory design excellence outcome. The visual impacts of the development have been mitigated and the location and size of the sign has been reduced to better integrate with the existing building.

The development application is recommended for deferred commencement approval.

Summary Recommendation

The application is recommended for delegation to the Chief Executive Officer to determine following the completion of the public exhibition process for the VPA. The development application is recommended for deferred commencement approval.

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

Attachments:

- A. Recommended Conditions of Consent

- B. Selected Drawings
- C. Clause 4.6 Variation Request
- D. Draft Voluntary Planning Agreement
- E. External Consultants Report - Peer Review of Lighting Impact Assessment
- F. External Authority Referral Comments

Recommendation

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2015/154 after:
 - (i) The Voluntary Planning Agreement (VPA) between the City of Sydney and the applicant has been prepared, publicly exhibited, and any submissions considered.
 - (ii) If the Chief Executive Officer determines to approve the application, then consideration be given to granting consent subject to the relevant deferred commencement conditions pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979, the conditions set out in Attachment A to this report and any other relevant conditions; and
- (B) the variation sought to clause 4.3 Height of Buildings in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported in this instance.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The advertisement, as amended, complies with the relevant aims, objectives and provisions of the State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64).
- (B) The application is consistent with the objectives of the B4 Mixed Use zone applicable under the Sydney Local Environmental Plan 2012.
- (C) The application achieves design excellence in accordance with Clause 6.21 (4) of the Sydney Local Environmental Plan 2012 in that the materials and detailing of the proposed LED digital sign improves the external appearance of the building by removing the visual clutter of the existing access gantry and flood lighting. The visual impacts of the proposed sign are addressed through the reduction in the sign size and the use of dimming capabilities to mitigate obtrusive glare to adjoining residential uses.
- (D) The proposal has mitigated the effect on the public interest by reducing the glare associated with the illumination of the proposed sign, incorporating separate metering for energy consumption, reducing the size of the sign and amending the transition times between day-time and night-time to address the visual amenity of residential receivers in the immediate locality. Conditions addressing the public submissions have been recommended.
- (E) Conditions of consent have been imposed to address the dwell times and the transition of the electronic content to reduce the visual impact of the sign. Conditions have also been imposed regarding the illumination and the submission of a management plan to address the operation of the sign's content.

- (F) The requested variation to the Clause 4.3 of the Sydney LEP 2012 is upheld because the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of the Height of Buildings development standard and the B4 Mixed Use zone.

Background

The Site and Surrounding Development

1. A site visit was carried out on 12 June 2018.
2. The site is irregular in shape, located on the south-west corner of Parramatta Road and Missenden Road. The frontage to Parramatta Road is approximately 50m and 25m to Missenden Road. The site is occupied by a six storey residential flat building known as 'Rhodes House'.
3. The subject site is described as Strata Plan 46789, being 1 Missenden Road, Camperdown. The proposed sign will be partly located within Lot 150 which is located on part of the exterior facade of the building's western wall. The Strata Plan details the dimensions of Lot 150 in height being 1.2m above the upper surface of the adjoining common property store room and stairs on level 6. Special By-Laws entitles the registered proprietor of Lot 150 exclusive use of common property within:
 - (a) Exclusive Use Area 161 (Area 1) for the purpose of erecting and attaching signs and a safety gantry and to run electricity cables being part of the common property.
 - (b) Exclusive Use Area 162 (Area 2) for the purpose of erecting lights to illuminate the sign erected in Exclusive Use Area 161; and
 - (c) Exclusive Use Area 163 (Area 3) to obtain power at the cost of the registered proprietor of Lot 150 for the purpose in connection with the signs in Exclusive Use Area 161.
4. The replacement digital sign will therefore occupy portions of Lot 150 and common property areas dedicated for the exclusive use of Lot 150 for the purpose of erecting and maintaining a wall mounted advertising sign.
5. The subject building is bounded by Parramatta Road to the north, Missenden Road to the east, Broderick Street to the south and mixed use developments to the west including 69-71 Parramatta Road immediately adjoining the site's western boundary which is 4-6 storey mixed use development.
6. Surrounding developments include a service station to the east, a hotel to the south on Brodrick Street which also includes low scale warehouse, commercial and residential land uses. Mixed use developments area located to the north on the opposite side of Parramatta Road with active street frontages with residential above. Sydney University and RPA hospital are also located to the east along Missenden Road.
7. The site is not a heritage item and is not located within a Heritage Conservation Area.
8. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area. Location of the sign is indicated in red.



Figure 2: Site viewed from Parramatta Road looking towards the western building elevation and location of the existing third party advertising sign. Note 69-71 Parramatta Road adjoining the site as a 4-6 storey mixed use development.



Figure 3: View taken from the corner of Layton Street and Parramatta Road looking east.



Figure 4: View taken from Church Street outside the local heritage items known as the “York Terrace” including interiors (I48) located 45m south west of the subject site.



Figure 5: View east from Mallet Street along Hampshire Lane provided in the Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.



Figure 6: View east on the southern footpath along Parramatta Road outside Bridge Street School provided in Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.



Figure 7: Looking north towards the mixed use development at 124 Parramatta Road opposite the subject site. Photo provided in the Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.



Figure 8: Looking northwest towards the mixed use development at 124, 128 and 132 Parramatta Road opposite the subject site. Photo provided in the Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.



Figure 9: View east on the southern side of Parramatta Road at the corner of Bridge Road. Note the only other third party advertising signs along Parramatta Road are located as static billboards. These advertising structures are located approximately 400m west of the subject site. Photo provided in the Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.

Proposal

9. Demolition of the existing 42.66sqm externally illuminated third party wall advertisement and associated catwalk access gantry and external lighting located on the western elevation of the 6 storey residential flat building currently occupying the site.
10. The construction of a replacement sign that will be a digitally illuminated LED sign 7.32m(h) x 5.11m(w) resulting in a total area of 37.4sqm. The new dynamic content digital sign will be located 250mm below the existing building parapet and 400mm clear of the northern building edge, framed by the existing northern building facade in a portrait format.
11. The sign will be constructed and affixed by a metal framework with a 600mm maintenance access catwalk behind the sign resulting in the sign protruding a total distance of 1.2m from the building face.
12. The content of the sign will not flash, scroll or move but is proposed to change static images every 10 seconds (dwell time) with the effect undertaken within less than 0.1 second (transition time).
13. The Development Application is accompanied by a public benefit offer for the use of advertising space for public messaging by the City of Sydney Council. A Voluntary Planning Agreement has been prepared and at the time of writing this report had been placed on public exhibition for a period of 28 days concluding on the 8 April 2019.
14. Plans of the proposed development are provided below.

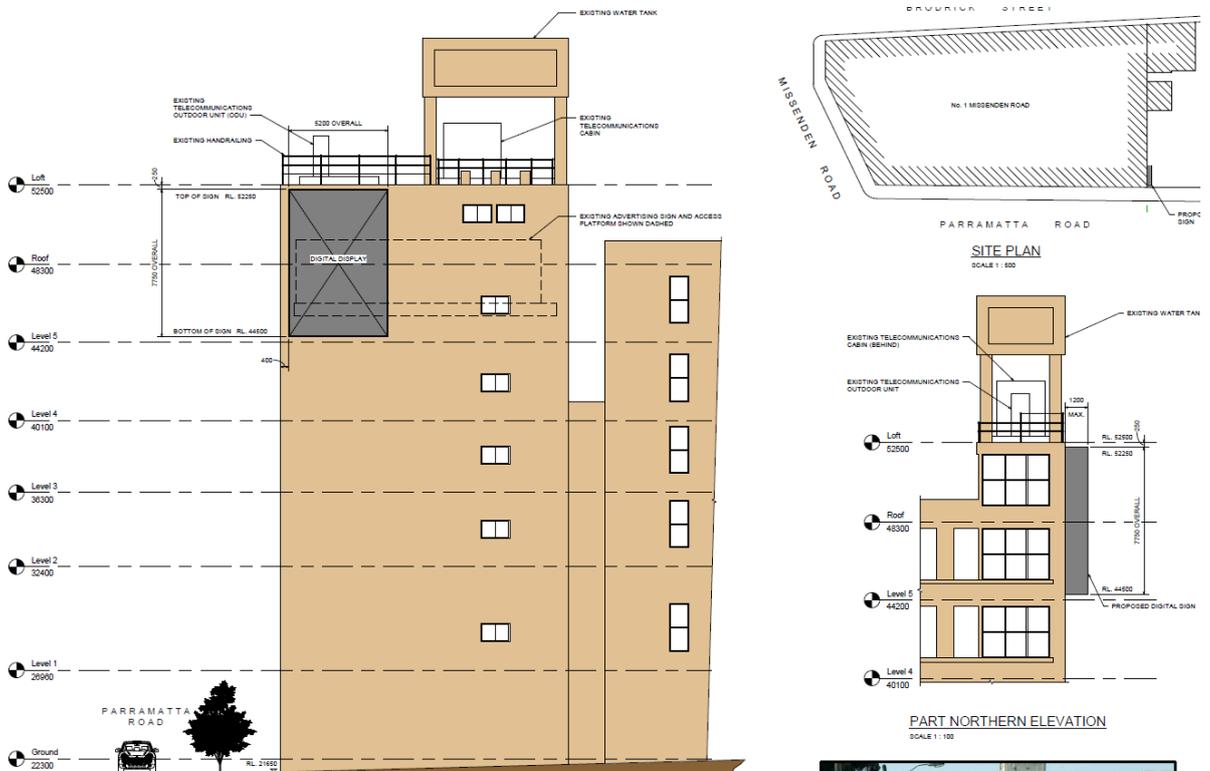


Figure 10: Proposed western and northern elevations of the replacement LED digital sign.



Figure 11: Photomontage of the initially proposed sign located above the building parapet. This sign has now been amended to sit 250mm below the building roof line and reduced in size. Photomontage provided in the Visual Impact Assessment Report prepared by Richard Lamb & Associates dated December 2016.

History Relevant to the Development Application

15. On 13 April, 1994 development consent was granted by South Sydney Council to application No.0209/12/94 for the construction of a static billboard sign above the fifth floor of the Rhodes House residential flat building. The static sign including external structures was 4.0m(h) x 14.0m(l) x 1.4m(d) including the external access gantry. The advertising area was 42.66sqm.
16. Building upgrades have occurred over recent history with passenger lift upgrades and roof repairs. None of these works have impacted on the existing static sign.
17. The subject Development Application was lodged on 2 February 2018.
18. The application was amended in response to concerns raised by City staff to include:
 - (a) additional justification for the proposed advertisement set out in accordance with the relevant provisions of Section 3.16.7.1(1) of the Sydney Development Control Plan 2012; and
 - (b) clarification regarding the dedication of advertising space as part of a VPA; and

- (c) a reduction in the size of the proposed sign. The original design of the LED sign proposed a total area of 40.3sqm which has since been reduced to 37.4sqm. The reduction in the sign size also included the overall height of the sign being lowered 250mm below the building parapet as opposed to the initial design being 725mm above the building parapet.
19. In order to assess the lighting impacts of the proposed LED sign and to mitigate any obtrusive light impacts the applicant prepared a Light Impact Assessment Report in accordance with the City's Guidelines in Clause 11.2 of Schedule 11 of the Sydney DCP 2012. Given the technical nature of the reporting the City engaged an independent lighting consultant to review the report and provide recommendations regarding the luminance of the proposed sign. The independent report is included as Attachment E and the recommendations have been adopted within the recommended conditions of consent in Attachment A.

Economic/Social/Environmental Impacts

20. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
- (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy No 64—Advertising and Signage

21. The application proposes the following signage:
- (a) The application proposes the construction of a digitally illuminated LED sign 7.32m(h) x 5.11m(w) resulting in a sign 37.4sqm. The sign will be affixed to the western elevation of the existing residential flat building.
22. SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP prevails over other environmental planning instruments and as such permissibility for the proposed sign is achieved through the application of the SEPP. Clause 3 - Aims, objectives etc.
23. The proposal is deemed to be consistent with the aims of SEPP 64, given the following:
- (a) the proposal is considered to be generally compatible with the visual character and desired amenity of the locality due to the promotion of commercial and business uses in a mixed use location;
 - (b) appropriate conditions are recommended for inclusion in Attachment A that the sign will be of high quality design and finish;
 - (c) the proposal does not give rise to any significantly adverse road safety impacts and has been supported by Road and Maritime Services subject to conditions of consent; and
 - (d) the proposal demonstrates public benefit within the locality by providing advertisement for City business and community announcements throughout the duration of the consent.

24. Clause 8 of SEPP64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Assessment Criteria

25. The following table outlines the manner in which the proposed signage addresses the assessment criteria of SEPP64.

1. Character of the area	Comment
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The site is located within the Broadway and Parramatta Road Signage Precinct as identified within the Signage Precincts Map in the Sydney Development Control Plan 2012.

1. Character of the area	Comment
<p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The proposal is considered to be consistent with the desired future character of the locality given that it is generally in accordance with Section 3.16.7 of the Sydney DCP 2012 addressing third party advertisements.</p> <p>There are similar third party advertising structures within the visual catchment of the site however these represent distant views with approximately 400m between advertising structures (see figure 9). A Visual Impact Assessment has been submitted demonstrating that the proposal will not adversely impact the visual amenity of the surrounding area.</p> <p>The Signage Precinct Controls state that no signage is to exceed a height of 3.5m above the existing ground level. This provision has not been adhered to as a 37.4sqm LED sign would be visually dominating at street level and as a dynamic content sign may adversely impact on road safety along Parramatta Road. However, the elevated nature of the proposed sign is consistent with the general location of, and will replace, the existing static sign.</p> <p>The proposed sign does not form part of an outdoor theme for advertising as the sign is a stand-alone third party advertising sign and all other signage within the retail strip along Parramatta Road is at street level underneath or displayed on awning structures or retail windows associated with the active frontages.</p>

2. Special areas	Comment
<p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</p>	<p>The sign is located within the vicinity of the University of Sydney heritage conservation area however the location of the sign is completely obscured from the heritage conservation area being on the western wall of the six storey building facing west to Parramatta Road.</p> <p>The site is located 45m southwest of two local heritage items on the corner of Brodrick Street and Church Street, St Andrews Greek Orthodox Church including interiors (I47) & Terrace group “York Terrace” including interiors (I48). The adjoining mixed use buildings on Parramatta Road visually obscure the proposed sign from the items and it will not detract from their heritage significance (see Figure 4).</p> <p>Similarly, the visual impact of the proposed development on the residential area is considered to be acceptable as detailed in the Visual Impact Assessment submitted with the application and the Independent Peer Review which considers the sensitive residential receivers within the visual catchment of the sign. The orientation of the sign (portrait) and its location of the building facade maximises its visual presence to vehicular traffic travelling east along Parramatta Road towards the city. A discussion regarding the visual impacts of the sign is addressed under the Issues heading.</p> <p>The visual impacts are further mitigated by the recommendations made by the external consultant’s peer review of the lighting assessment. These recommendations are addressed under the Issues heading.</p>

3. Views and vistas	Comment
<p>Does the proposal obscure or compromise important views?</p>	<p>The sign will not obstruct views, vistas or the viewing rights of other advertisers. The only other third party advertising signs are located 400m west along Parramatta Road near the intersection with Pymont Bridge Road. These static roof or sky advertisements are visually obscured by the developments along Parramatta Road.</p>
<p>Does the proposal dominate the skyline and reduce the quality of vistas?</p>	
<p>Does the proposal respect the viewing rights of other advertisers?</p>	

4. Streetscape, setting or landscape	Comment
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>As discussed above, the size of the sign complies with the design criteria and maximum sizes for walls advertisements under Clause 22. The proposed area of the advertisement comprises a maximum 5% in accordance with Section 3.16 of the Sydney Development Control Plan 2012.</p> <p>Subject to conditions discussed below, the advertisement is not considered to result in significantly adverse impacts on the character and amenity of the surrounding area.</p> <p>The building currently has a number of structures above the parapet including a gantry walkway, an elevated water tower supported by a two storey tower structure and telecommunications infrastructure. These additional structures add visual clutter to the building's presentation to the public domain. Whilst the proposed sign does not screen these structures it does draw attention away from the unsightliness (see Figure 2).</p> <p>The sign has been amended during the assessment process to sit 250mm below the building parapet allowing the building to frame the sign. The western wall of the subject building is without architectural decoration and is a flat rendered wall with minimal window openings. The window openings immediately adjacent to the sign are to common property and stairs providing access within the building. Whilst the wall is not unsightly the sign will reduce the visual prominence of the blank facade and provide visual interest to the built form.</p> <p>No vegetation management is required.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	
Does the proposal screen unsightliness?	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	
Does the proposal require ongoing vegetation management?	

5. Site and building	Comment
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The advertisement is consistent with the maximum provisions for wall advertisements and will not dominate the building.

5. Site and building	Comment
Does the proposal respect important features of the site or building, or both?	As stated above the proposed sign will not detract from the building's features. The vertical proportions of the sign better responds to the proportions of the building than the existing sign and does not obscure any windows.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	

6. Associated devices & logos with advertisements & advertising structures	Comment
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Safety devices, platforms, lighting devices or logos have been proposed as an integral part of the sign. The maintenance walkway will be discreetly located behind the sign as opposed to the existing gantry protruding from the building. Attachment A includes recommended conditions regarding the luminance and mitigation of light spill.

7. Illumination	Comment
Would illumination result in unacceptable glare?	The illumination of the sign has been independently assessed and recommendations included in Attachment A to manage glare. RMS has supported the sign subject to conditions to address the safety of the road network. The Lighting Impact Assessment and Visual Impact Assessment has considered the residential receivers in proximity to the sign and recommendations have been made to mitigate any impacts including the transition times and the intensity of illumination. Discussion is provided under the Issues heading.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	

8. Safety	Comment
Would the proposal reduce the safety for any public road?	The sign does not include moving or flashing images. The application is supported by a Road Safety Check which considered road safety along Parramatta Road. The illumination at night has been reduced to align with the Transport Corridor Outdoor Advertising Signage Guidelines and Australian Standards AS4228-1997. These standard are identified in Table 3.9 under Section 3.16.7 of the Sydney DCP 2012. The proposal is therefore unlikely to adversely impact vehicular and pedestrian safety.
Would the proposal reduce the safety for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

26. The proposed signage is consistent with the aims and objectives of Clause 3 of SEPP 64 and as such, is supported subject to the recommended conditions of consent.
27. Clause 13
28. The application is subject to Clause 13 which identifies compliance with the Transport Corridor Outdoor Advertising Signage Guidelines in terms of the public benefits to be provided in connection with the display of the advertisement.
- (a) The proposal includes a VPA to address the public benefits envisaged by SEPP 64 satisfying Clause 13(2)(b)(iii) and 13(3).
- (b) The table above demonstrates that the proposal satisfies the assessment criteria set out in Schedule 1 of SEPP 64. Further discussion and assessment regarding compliance is provided below under the heading Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (TCOAS Guidelines 2017).
- (c) The application was accompanied by a Road Safety Assessment prepared by an appropriately qualified traffic engineer, given its location adjoining Parramatta Road, a State classified Main Road.
- (d) The proposal has been reviewed by the City's Transport Planning Unit, who have raised no concerns in relation the design of the advertisement or road safety. Furthermore, Roads and Maritime Services have made no objections to the proposed development, subject to a number of conditions which have been included in Attachment A.
29. Clause 14 - Duration of consents
- (a) In accordance with Clause 14(1)(a) and 14(2)(b) of SEPP 64, the advertisement is proposed to be displayed for a maximum period of 15 years.
- (b) An appropriate condition of consent has been recommended for inclusion in the Attachment A to require the consent to be limited in this regard.
30. Clause 17 - Advertisements with display area greater than 20 square metres or higher than 8 metres above ground
- (a) The proposal is located more than 8 metres above ground level in accordance with Clause 17(1)(b) of SEPP 64.

- (b) The application was accompanied by a Statement of Environmental Effects which includes an impact statement which addresses Schedule 1 of the SEPP 64. The impacts of the proposal are considered acceptable, subject to the recommended conditions included in Attachment A.
 - (c) The application has been notified in accordance with Clause 7, Division 2 of Schedule 1 (formerly Section 79A) of the Environmental Planning and Assessment Act, 1979.
 - (d) A copy of the application was referred to Roads and Maritime Services (RMS) at the same time the application was notified.
31. Clause 18 - Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road.
- (a) The proposal is subject to Clause 17 of SEPP 64, is within 250 metres of Parramatta Road, a State classified Main Road and is visible from the classified road, in accordance with Clause 18(1) of SEPP 64.
 - (b) The RMS granted concurrence to the proposal on 26 March 2018, in accordance with Clause 18(2) of SEPP 64.
32. Clause 20 - Location of certain names and logos
- (a) A condition of consent has been recommended requiring any logos associated with the owner of the advertisement to comply with the provisions of Clause 20 of SEPP 64.
33. Clause 22 - Wall advertisements

The development is defined as a wall advertisement and is subject to Clause 22 of SEPP 64. An assessment against the provisions are provided in the table below:

Control	Compliance
For a building having an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation.	<p>Yes, the western wall of the existing building presents an area of approximately 1,215.2sqm. The proposed sign is 37.4sqm which is 3.07% of the above ground elevation.</p> <p>It is noted that this is an improvement to the original proposal which presented a sign size of 42.4sqm equating to 3.49% of the wall facade.</p> <p>The reduction in the overall sign size assists in reducing the visual impacts of the structure.</p>

Control	Compliance
The advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion	<p>No, the sign structure protrudes 1.2m from the wall facade as it includes the 375mm for the sign and the additional steel framing supports and concealed catwalk providing access for maintenance of the sign.</p> <p>The width of the sign does address health and safety standards as it provides safe access to the sign for maintenance purposes. The location of the gantry access behind the sign reduces the visual dominance and clutter of the sign's supporting structures which improves the visual outcome. It is noted that the current static billboard vinyl sign has an external gantry catwalk and lighting which protrudes 1.4m from the building facade.</p>
The advertisement does not protrude above the parapet or eaves	Yes, the original design did extend beyond the building parapet however the modified design has reduced the overall size of the sign and its setting is now 250mm below the building parapet which allows the building facade to visually frame the sign.
The advertisement does not extend over a window or other opening	Yes, the proposed sign does not extend over any windows or openings to the building.
The advertisement does not obscure significant architectural elements of the building	Yes, no significant architectural features of the building have been obscured.
a building identification sign or business identification sign is not displayed on the building elevation.	Yes, there is no building or business identification signs located on the western facade.

34. The proposed signage is consistent with the aims and objectives of Clause 22 of SEPP 64 applying to wall advertisements and as such, is supported subject to the recommended conditions of consent.

Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (TCOAS Guidelines 2017)

35. The TCOAS Guidelines 2017 outline best practice for the planning and design of outdoor advertisements in transport corridors, such as along or adjacent to classified roads, freeways, tollways, transit ways and railway corridors, or on bridges or road and rail overpasses.

36. Section 2 addresses sign placement, clutter, design excellence in its scale and compatibility with buildings and the site. As addressed above in the SEPP 64 assessment the proposed sign is appropriately located and designed to respond to its context of an enterprise corridor within a mixed use zone. The proposed sign addresses the Digital Sign Criteria under Section 2.5.8 for signs greater than 20sqm by proposing dwell times not less than 10 sec where the speed limit is below 80km/h and transition times no longer than 0.1 seconds.
37. The maintenance and content of the signage will be consistent with the design criteria to address road safety and is supported by a Road Safety Check. The ongoing management of the sign has been addressed in Attachment A requiring regular road safety audits.
38. The following table sets out how the proposal addresses the relevant criteria in Section 3 and 4 of the TCOAS Guidelines 2017:

Consideration	Comment
3.2.1 Road clearance	
The advertisement must not create a physical obstruction or hazard.	The proposed development is located on the wall of an existing building over 22m above the roadway. As such, the sign does not obstruct the movement of pedestrians, bicycle riders or any vehicles along Parramatta Road.
Where the sign supports are not frangible (breakable), the sign must be placed outside the clear zone in an acceptable location in accordance with Austroads Guide to Road Design (and RMS supplements) or behind an RMS-approved crash barrier.	The proposed development is within an acceptable location as reviewed and supported by RMS.
To ensure adequate clearance for pedestrian and wheel chair access, the sign must be positioned so that an absolute minimum envelope of 900mm x 2000mm of unobstructed clear path of travel is maintained for the entire length of the advertising structure.	The proposed development does not obstruct pedestrian or wheel chair access along Parramatta Road.

3.2.2 Line of Sight	
An advertisement must not obstruct the driver's view of the road, particularly of other vehicles, bicycle riders or pedestrians at crossings.	The proposed development is located adjacent to Parramatta Road and does not obstruct a driver's view of the road.
An advertisement must not obstruct a pedestrian or cyclist's view of the road.	The proposed development does not obstruct a pedestrian or cyclist's view of any adjacent roads.
The advertisement should not be located in a position that has the potential to give incorrect information on the alignment of the road. In this context, the location and arrangement of signs' structures should not give visual clues to the driver suggesting that the road alignment is different to the actual alignment. An accurate photo-montage should be used to assess this issue.	The proposed development does not provide incorrect information on the alignment of the road.
<p>The advertisement should not distract a driver's attention away from the road environment for an extended length of time. For example:</p> <p>i The sign should not be located in such a way that the driver's head is required to turn away from the road and the components of the traffic stream in order to view its display and/or message. All drivers should still be able to see the road when viewing the sign, as well as the main components of the traffic stream in peripheral view.</p> <p>ii The sign should be oriented in a manner that does not create headlight reflections in the driver's line of sight. As a guideline, angling a sign five degrees away from right angles to the driver's line of sight can minimise headlight reflections. On a curved road alignment, this should be checked for the distance measured back from the sign that a car would travel in 2.5 seconds at the design speed.</p>	<p>The proposed development is elevated and to the side of Parramatta Road but is located within a driver's line of sight for a 50 metre exposure distance.</p> <p>Drivers would not be required to turn away from the road to view the sign and would be able to see the road and traffic stream in their peripheral vision while viewing the sign.</p> <p>The proposal would not cause headlight reflections in the driver's line of sight due to the elevation of the sign, and as the LED sign would be fitted with automatic sensors to reduce illumination during twilight and night-time hours.</p>

3.2.3 Proximity to decision making points and conflict points	
<p>The sign should not be located:</p> <ul style="list-style-type: none"> i less than the safe sight distance from an intersection, merge point, exit ramp, traffic control signal or sharp curves ii less than the safe stopping sight distance from a marked foot crossing, pedestrian crossing, pedestrian refuge, cycle crossing, cycleway facility or hazard within the road environment iii so that it is visible from the stem of a T-intersection. 	<p>Within the 50 metre exposure distance of the advertisement is the Parramatta Road and Church Street signalised intersection with pedestrian crossing.</p> <p>Given the height of the proposed advertisement the content of the sign would not conflict with the traffic control signal. This proximity has been assessed and supported by RMS subject to conditions of consent.</p>
<p>The placement of a sign should not distract a driver at a critical time. In particular, signs should not obstruct a driver's view:</p> <ul style="list-style-type: none"> i of a road hazard ii to an intersection iii to a prescribed traffic control device (such as traffic signals, stop or give way signs or warning signs) iv to an emergency vehicle access point or Type 2 driveways (wider than 6-9 metres) or higher. 	<p>The Road Safety Check has concluded that the proposed development would not obstruct a driver at a critical time and its elevation above the roadway would not obstruct a driver's view of a road hazard, intersection or traffic control device.</p>
3.2.4 Sign spacing	
<p>The proposed site should be assessed to identify any road safety risk in relation to visual clutter and the proximity to other signs.</p>	<p>There is one directional sign located within the signalised intersection west of the proposed development, however this sign is at street level and is visible to drivers.</p> <p>It is considered that there is limited road safety risk in relation to visual clutter and proximity of the advertisement to other signs.</p>

3.3.1 Advertising signage and traffic control devices	
The advertisement must not distract a driver from, obstruct or reduce the visibility and effectiveness of, directional signs, traffic signals, prescribed traffic control devices, regulatory signs or advisory signs or obscure information about the road alignment.	It is considered that there is limited road safety risk in relation to visual clutter and proximity of the advertisement to other signs given that the only other large format signs are located 400m to the west of the subject site and all other signage in the retail strip is at street level and associated with business identification.
The advertisement must not interfere with stopping sight distance for the road's design speed or the effectiveness of a prescribed traffic control device.	The proposed sign is not located at street level and therefore does not impede traffic control signs or devices.
3.3.2 Dwell time and transition time	
Each advertisement must be displayed in a completely static manner, without any motion, for the approved dwell time.	The proposed development complies with the digital signage requirements and is addressed in the recommended conditions of consent.
Dwell times for image display must not be less than: i. 10 seconds for areas where the speed limit is below 80km/h. ii. 25 seconds for areas where the speed limit is 80km/h and over.	The proposed sign is within the visual catchment of Bridge Road School located on the southern side of Parramatta Road approximately 300m west of the subject site. During school zone hours a fixed display will be required. This requirement is detailed within the recommended conditions.
Any digital sign that is within 250 metres of a classified road and is visible from a school zone must be switched to a fixed display during school zone hours.	
Digital signs must not contain animated or video/movie style advertising or messages including live television, satellite, Internet or similar broadcasts.	
The transition time between messages must be no longer than 0.1 seconds, and in the event of image failure, the default image must be a black screen.	

3.3.3 Illumination and reflectance	
Advertisements must comply with the luminance requirements in Table 5.	The proposed development has been supported by a Lighting Assessment Report and peer reviewed. The recommendations of the peer review have been addressed under the Issues heading and comply with the illumination and reflectance requirements.
For night time use, the sign (whether internally illuminated or lit from its exterior) must not cast a shadow on areas that were previously lit and that have a special lighting requirement, e.g. pedestrian crossings.	
<p>The light sources for illuminated signs must focus solely on the sign and:</p> <ul style="list-style-type: none"> i be shielded so that glare does not extend beyond the sign ii with the exception of back lit neon signs, have no light source visible to passing motorists with a light output greater than that of a 15W fluorescent/LED bulb. 	
The level of reflectance of an advertisement, and its content, is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A Material', as set out in Australian Standard AS/NZS 1906.1:2007. Flashing illuminated advertisements will not be approved.	

3.3.4 Interaction and sequencing	
The advertisement must not incorporate technology which interacts with in-vehicle electronic devices or mobile devices. This includes interactive technology or technology that enables opt-in direction communication with road users.	The proposed development does not involve any interactive technology.
Message sequencing designed to make a driver anticipate the next message is prohibited across images presented on a single sign and across a series of signs.	The proposed development does not involve any message sequencing.
4.1 What is the public benefit test?	
The Statement of Environmental Effects (SEE) submitted with a development application must outline arrangements for an appropriate public benefit.	<p>The submitted SEE:</p> <p>Includes an offer to enter into a VPA to facilitate the public benefit arrangements. The VPA on public exhibition is included in Attachment D.</p> <p>The VPA includes 10% of the advertising time available free of cost for use by the City of Sydney to display public information, community messages and promotion of Council events and initiatives. The distribution of the allotted time is detailed within the Lease Agreement which must be entered into by the sign operator prior to the operation of the sign.</p>
4.2 What is an appropriate public benefit?	
Public benefit can be provided as a monetary contribution or as an 'in-kind' contribution, linked to improvements in local community services and facilities.	The public benefit proposed is consistent with that outlined in Section 4.2.3 of the TCOAS Guidelines 2017, given that it provides for free advertising time.

39. The proposed signage is consistent with the aims and objectives of the Guidelines and as such, is supported subject to the recommended conditions of consent.

Sydney LEP 2012

40. The site is located within the B4 Mixed Use zone. The proposed use is defined as a third party advertising sign and is permissible as the LEP does not list third party advertising signs as prohibited development. .
41. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	No	A maximum height of 22m is permitted. A height of 30.6m is proposed. See discussion under the heading Issues.
4.6 Exceptions to development standards	Yes	The proposal seeks to vary the development standard prescribed under Clause 4.3 Height of Buildings. See discussion under the heading Issues.

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 Design excellence	Yes	The proposed development satisfies the requirements of this provision through amendments to the proposed sign addressed under the Issues heading.

Sydney DCP 2012

42. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Chippendale, Camperdown, Darlington
The subject site is located in the Camperdown locality. The proposed third party advertising sign is considered to be in keeping with the unique character of the area and design principles in that it supports the mixed use precinct by presenting a high quality designed LED digital sign.

3. General Provisions	Compliance	Comment
3.1 Public Domain Elements	Yes	The proposed development will have a neutral impact to the public domain.
3.2 Defining the Public Domain	Yes	The proposed development will maintain the existing public domain by ensuring adequate sun access to publicly accessible spaces and considering public views.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development	Yes	The proposed sign will be separately metered with conditions recommended for use of a renewable energy source to be confirmed prior to the issuing of a construction certificate.
3.16 Signage and Advertising	Yes	The proposal involves third party advertising signage. See discussion in the heading Issues.
3.16.1 Signage Strategy	Yes	A waiver to the signage strategy has been sought as it is considered the proposal satisfies the objectives of the DCP in relation to signage.

Issues

Building Height - Clause 4.6

43. The site is subject to a maximum 22m height of buildings development standard. The existing building on the site has a maximum height of 38.9m measured to the top of the water tank and a parapet height of 30.85m from the existing ground level. The proposed digital advertising sign will sit 250mm below the existing building parapet at a maximum height of 30.6m above the existing ground level.
44. The applicant is seeking to locate the entire replacement sign beyond the maximum 22m height limit at its highest point 8.6m above the maximum 22m building height standard. The departure presents a 37% variation from the development standard.
45. In accordance with Clause 4.6 of Sydney LEP 2012, the applicant has submitted a written justification seeking exception to the Height of buildings development standard, which is discussed below.

Clause 4.6 request to vary a development standard

46. The site is subject to a maximum height control of 22m. The proposed development has a height of 30.6m, a 37% variation to the height control.
47. A written request has been submitted to Council in accordance with Clause 4.6(3)(a) and (b) of the Sydney LEP 2012 seeking to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) that there are sufficient environmental planning grounds to justify contravening the standard.
48. A copy of the applicant's written request is provided at Attachment C.

Applicants Written Request - Clause 4.6(3)(a) and (b)

49. The applicant seeks to justify the contravention of the height of buildings development standard on the following basis:
 - (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) the proposed development will not increase the existing maximum height of the building and as such will have no additional impacts on views or overshadowing;
 - (ii) the proposed development complies with the relevant sections of the Sydney Development Control Plan 2012;
 - (iii) the existing third party advertising sign does not comply with the maximum height of 22m.
 - (iv) 90%.
 - (v) Lowering the sign would offer no architectural, aesthetic or amenity benefits when considering the visual impacts of the sign. Lowering the sign below the 22m maximum height would result in neighbouring buildings obstructing views of the sign resulting in the retention of the existing static billboard sign in its current location which has additional catwalk and flood lighting which has a greater visual impact than the proposed digital wall sign.
 - (vi) The proposed digital wall sign, at the height proposed, has no impact on views available from the public domain or neighbouring properties. Removing the existing sign and replacing this sign with a sign with less visual impact.
 - (vii) The existing building and proposed sign are consistent with the mixed use character of the locality. Advertising signs of the type and location proposed are appropriate within major transport corridors that include commercial land uses. The site is highly accessible to public transport and the proposed sign adds visual interest to the locality by mitigating the visual impact of the existing large blank western wall of the building.

- (b) That there are sufficient environmental planning grounds to justify contravening the standard:
 - (i) From an aesthetic and visual impact viewpoint and in terms of optimising integration of the sign with the existing built form, the proposed location in the top northern corner of the western wall is the most appropriate location, notwithstanding the numerical non-compliance with the building height development standard. Lowering the sign would offer no material architectural, aesthetic or amenity benefit.
 - (ii) Significant lowering of the sign to a maximum height of 22m would be far less compatible with the existing built form and result in the neighbouring building almost totally obstructing any view of the sign.
 - (iii) There will be no adverse impact on the amenity of surrounding properties or the character of the locality, including the existing streetscape. There are no adverse environmental impacts arising from the proposed height encroachment.

Consideration of Applicants Written Request - Clause 4.6(4) (a) (i) and (ii)

50. Development consent must not be granted unless the consent authority is satisfied that:

- (a) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause 3 of Clause 4.6 being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard; and
- (b) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Does the written request adequately address those issues at Clause 4.6(3)(a)?

- 51. The applicant's written request has adequately demonstrated that compliance with the development standard for Height is unreasonable and unnecessary in the circumstances of this case as the proposed development satisfies the objectives for Height, notwithstanding non-compliance with the standard.
- 52. The proposed development is consistent with the objectives for the B4 Mixed Use zone under SLEP 2012 and is in the public interest as the replacement third party advertising sign will have a neutral impact on the public domain and the proposed sign will sit below the building's roof line, framed by the western facade of the building, thereby not contributing any additional bulk above the building parapet. The additional height does not result in any adverse environmental impacts to surrounding properties and as such, compliance with the development standard is considered unreasonable and unnecessary.

Does the written request adequately address those issues at clause 4.6(3)(b)?

53. The applicant's written request has adequately addressed that there are sufficient environmental planning grounds to justify contravening the Height development standard as the proposed development will be lower than the highest point of the building and responds appropriately to this.

Is the development in the public interest?

54. The proposed development is in the public interest as it is consistent with objectives of the Height development standard and the B4 Mixed Use zone. The proposed development achieves a height that does not result in any adverse amenity impacts on surrounding properties or the streetscape, and will provide for improved amenity to surrounding residential land uses by reducing the impact of obtrusive light spill and glare compared to the existing flood lit billboard sign. The proposal also provides a public benefit through the provision of advertising time for community messaging as per the VPA.

Conclusion

55. For the reasons provided above the requested variation to the height standard is supported as the applicant's written request has adequately addressed the matters required to be addressed by cl 4.6 of the Sydney LEP 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Height development standard and the B4 Mixed Use zone.

Signage

56. In addition to the provisions of SEPP 64, the development is required to comply with Council's provisions for signs and advertisements. These provisions aim to improve the quality of signage such that it contributes positively to the public domain and achieves design excellence.
57. Section 3.16.7 relates to third party advertisements. Generally, new advertising signs and third party advertisements are not permitted.
58. An assessment against the list of exceptional circumstances where advertising signs and third party advertisements may be permitted is provided below:

General Requirements	Compliance
Whether the sign is advertising a civic or community event in the City of Sydney area.	The advertisement will generally be for commercial purposes, with 10% of the advertising time dedicated for community advertising as managed by the City. Appropriate conditions have been recommended to facilitate the VPA as part of this application.

General Requirements	Compliance
Whether the sign can be considered as public art in accordance with the City's policies in relation to public art.	<p>The proposal is not considered public art, under the relevant provisions of the City's Interim Guidelines for Public Art in Private Development.</p> <p>However as stated above a VPA has been prepared to facilitate the ongoing advertisement of the City's community messaging.</p>
Whether the signs are consistent with the provisions for signage in the Sydney Development Control Plan 2012.	The site is located within the Broadway and Parramatta Road Signage Precinct, which requires that signage is designed to complement the precinct's mixed use role and the replacement of approved existing signage, as is the case with the subject application, is permitted where compliance is achieved with Section 3.16.7.2 which is addressed below.
Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area.	The area of corporate branding is to be no more than 5% of the total signage area. A condition of consent is recommended accordingly.
Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter.	<p>There are similar third party advertisements within the greater visual catchment of the site. Given the distance between these third part signs visual clutter is not created.</p> <p>The advertisement will not be viewed in association with business identification signs at street level within the mixed use precinct given the physical separation between the propose sign and street level.</p>
Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item or on a contributory building in a heritage conservation area.	The proposal is not associated with the removal of an existing advertisement on a heritage item or within a conservation area.

59. Subject to conditions, the proposed advertisement meets the criteria for exceptional circumstances listed above and as such the advertisement is supported.

Section 3.16.7.2 - Replacement, modifications or conversions of an existing approved advertising structure to an electronic variable content advertising structure

60. The matters listed in this section of the SDCP 2012 are principally addressed within the assessment criteria under SEPP 64 and the road safety provisions of the Transport Corridor Outdoor Advertising and Signage Guidelines.
61. The section requires applications to be supported by a Visual Impact Assessment Report, a Light Impact Assessment Report and Road Safety Report to address the character of an area, the sensitivity of surrounding land uses and the road safety of the transport corridor. These reports have been submitted and satisfactorily address the provisions of the SDCP 2012.
62. The Visual Impact Assessment, the Light Impact Assessment and Peer Review Report (Attachment E) have consider the surrounding residential land uses including:
 - (a) Three and four storey mixed use buildings along Parramatta Road including the 'Portia' building at 124-126 Parramatta Road, the 'Henley Apartments' at 128 Parramatta Road and 132-134 Parramatta Road which are located directly to the north on the opposite side of Parramatta Road and present enclosed balconies and living areas to Parramatta Road; and
 - (b) The northern facing facade of the rear building at 69-71 Parramatta Road immediately adjoining the subject site to the west which has residential apartments and balconies facing north which have an oblique view of the sign; and
 - (c) 12 Marsden Street, Camperdown also known as 15-21 Brodrick Street which was approved by the LEC in 2015 and modified in 2017 for the construction of 2x four storey residential apartments. The approval will include living areas and balconies on the vertical plane aligning with the proposed sign facing north. The consents have been made operative and works have commenced.
63. The proposed sign is set high on the western elevation of the subject building with the visual catchment focused to the north-west with exposure to Parramatta Road through to the intersection of Bridge Street rather than extending into the surrounding residential areas.
64. The immediately adjoining residential buildings fronting Parramatta Road would be within the visual catchment but the living areas and balconies presenting to Parramatta Road would be at an oblique angle and the visual amenity impacts can be mitigated through the management of obtrusive light spill and glare which was addressed in the Light Impact Assessment. The Peer Review concluded that compliance has been achieved with the luminance parameters outlined within the Sydney DCP 2012 and the AS4282-1997 thereby mitigating the visual impacts to residential receivers.
65. To further address the visual amenity the following design modifications have been recommended and applied as conditions of consent:
 - (a) the sign has been reduced in size from 44.66sqm to 37.4sqm. A reduction of 7.26sqm;
 - (b) the LED sign incorporate dimming capabilities and multi-directional light sensors to allow for the transition of luminance from daytime to night-time;

- (c) during night-time hours the dwell times increased from 10 secs to 30 secs to reduce the number of transitions impacting on residential receivers; and
 - (d) the transition times extended during the night-time to between 1 to 2 seconds to reduce the perception of instantaneous transitions between advertisements.
66. To address the visual character the Visual Impact Assessment has considered the visibility of the sign from the public domain and surrounding receivers. The Assessment concluded that the proposed sign is obscured by intervening buildings along Parramatta Road and at the pedestrian street level is obscured by retail awnings. The main visual catchment is to motorists travelling east along Parramatta Road.
67. The location of the sign will not alter the character of the surrounding locality as the proposed sign is spatially separated from the streetscape. The character of the mixed use zone, existing context of the Parramatta Road corridor and desired future character will not be materially impacted by the replacement of the existing sign.
68. The replacement LED sign was originally proposed above the building parapet however in an effort to improve the appearance of the advertising structure the proposed sign has been reduced in size and lowered 250mm below the building parapet to be framed by the existing building facade. As stated above the sign will not impact on any significant architectural building features.
69. The site is not within a heritage conservation area and will not impact on significant views or the visual amenity of the skyline. The sign is of a scale consistent with other large format signs within the Parramatta Road corridor as identified in third party advertising signs 400m west at the corner of Parramatta Road and Bridge Road. Whilst the sign is located in a highly visible position the sign does not contribute to visual clutter.
70. Conditions have been recommended to require a Plan of Management to address the operational and management requirements of the sign to ensure a high standard of operation and a requirement that the sign be powered by a renewable energy source.
71. The proposed sign is considered to be consistent with the provisions of Section 3.16.7.2 of SDCP 2012 applicable to replacement third party advertising signs and is supportable.

Voluntary Planning Agreement

72. A Voluntary Planning Agreement (VPA) has been prepared in relation to the site. The agreement included the following public benefits:
- (a) To facilitate 10% of the advertising time available free of cost for use by the City of Sydney to display public information, community messages and promotion of Council events and initiatives.
73. Section 7.11 contributions are not applicable and therefore the VPA does not envisage any offsets.
74. The draft VPA at the time of writing this report was being exhibited for a period of 28 days concluding on the 8 April 2019.
75. A deferred commencement condition is recommended to ensure that the VPA is executed, registered on title prior to the consent being activated.

Other Impacts of the Development

76. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

77. The proposal is of a nature that will not impede the overall function of the site. The site is in a transport corridor and the proposed sign is suitable within the mixed use context.

Internal Referrals

78. The conditions of other sections of Council have been included in the proposed conditions.
79. The application was discussed with or referred to the City's Urban Design Specialist and the Transport Planning Unit, no objections were raised.

External Referrals

80. The application requires the concurrence of RMS as stated in Clause 18 SEPP No.64- Advertising Signs. As stated previously RMS provided a response on 26 March 2018 raising no objection subject to conditions of consent being imposed.

Notification, Advertising and Delegation (Submission(s) Received)

81. In accordance with Schedule 1 the Sydney DCP 2012, the proposed development is required to be notified. As such the application was notified for a period of 14 days between 27 February 2018 and 14 March 2018. As a result of this notification there were 4 submissions received.
- (a) The proposed sign will be more prominently displayed and closer and more viewable to traffic on Parramatta Road and will protrude above the building's roof line overwhelming the building. A plan for screening the area to improve the property should be provided. The existing sign is less intrusive.

Response - The location of the sign has been amended and located 250mm below the building's roof line. The location of the northern edge of the sign remains 400mm from the building edge however the orientation has changed to a portrait format which reduces the visual catchment to Parramatta Road which is the intended visual receiver. The screening of the sign above the building's roof line is no longer required as the sign has been lowered.

- (b) Advertising that changes every 10 seconds is distracting and annoying.

Response – The dwell times of advertising signs on classified roads is identified within the Transport Corridor Guidelines and is consistent with the City's advertising provisions.

- (c) The proposed sign will be illuminated 24/7 and there are concerns about the detrimental impact on current and neighbouring residents in relation to light.

Response – The luminance and light spill of the proposed sign has been assessed against the provisions of the SDCP 2012 and Australian Standards. As addressed in the assessment compliance has been achieved and will not adversely impact on amenity of residential receivers.

- (d) The proposed sign does not complement the building's architectural style and is in contrast to the property's character and does not enhance the residential building. A display of the history of the building would be of better visual interest which has been embraced by surrounding sites. A blank wall is not advanced by a commercial digital sign.

Response – The replacement sign is not considered to result in any significant additional adverse visual impact when compared to the existing static billboard. The lot on which the existing sign is located was created for the sole purpose of displaying a third party advertising sign and the sign is permissible within the Mixed Use zone. The western wall is not diminished by the location of the sign and the architecture of the building is not adversely impacted. The inclusion of cultural and historic imagery on adjoining buildings was an integrated design feature of those developments.

- (e) The proposal cannot comply with the 300mm wall sign projection requirements and is visually obtrusive impacting on amenity.

Response – The sign is less obtrusive than the existing sign with catwalk and flood lighting projecting 1.4m from the building facade. The proposed sign conceals the maintenance access and extends only 1.2m from the building facade. The sign is also reduced in size thereby presenting an acceptable amenity impact.

- (f) The variation to the building height standard should not be approved the sign should comply, lowering the sign keeping the elevation beneath the building actual roof line.

Response – The request to vary the building height standard has been supported. The existing sign is located above the 22m building height standard. The lowering of the sign below the 22m height limit would place the sign closer to the street level presenting a greater impact to road safety and the surrounding residential receivers on the opposite side of Parramatta Road and immediately adjoining the site. The sign would also be obscured by adjoining buildings. The sign has been lowered below the building's roof line to be framed by the existing built form.

- (g) The commercial advertising will in no way enhance the presentation of the building.

Response – The replacement sign will enhance the presentation to the public domain by removing the additional catwalk and structural supports of the existing sign. The sign will be reduced in size and the obtrusive light spill will be reduced thereby reducing the visual impacts of the existing building's presentation to Parramatta Road of which the third party advertising sign is a part.

- (h) The Light Impact Assessment Report was not made available to the Owners Corporation. The assessment should address the 2017 Transport Corridor Guidelines.

Response – The light impact assessment report was placed on public notification. The assessment has been considered in line with the Guidelines with respect to luminance, glare and road safety.

- (i) The owner's corporation should not be responsible for the energy costs as the electricity usage is not metered.

Response – A condition of consent has been recommended that the advertising sign be separately metered and operate at no cost to the owners corporation of the building.

- (j) The content should be family friendly and socially responsible in the public interest.

Response – The conditions of consent recommend a Plan of Management be submitted to address the operational management of the sign including content displayed in accordance with the requirements of the Advertising Standards Board. As part of the content 10% will be dedicated to messaging produced by the City to promote City initiatives which will be in the public interest.

- (k) The display of murals celebrating the historical significance of the building would enhance the visual aspect of the area.

Response – The application does not eliminate the potential for the owner's corporation to consider and submit a development application for murals on other building facades which celebrate the historical significance of the building.

- (l) The owner's corporation has not received the package of documents through the development application process. This would have been a more suitable consultative approach.

Response – The public exhibition of the development application occurred in compliance with the SDCP 2012 requirements and all submitted documentation pertaining to the proposal was made publicly available.

- (m) Any works must comply with the strata scheme. All works must be approved by the Strata Committee or the Owners Corporation at a General Meeting.

Response – The applicant has obtained the owners corporation consent required to lodge the development application and facilitate its determination. The consent authority for the proposed development is the City of the Sydney Council.

Public Interest

- 82. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

83. A Section 7.11 contribution is not required under the City of Sydney Development Contributions Plan 2015 as the proposed development, being for the construction of a replacement third party advertising sign is excluded from the need to pay a contribution as detailed in Table 2 of the Plan.

Relevant Legislation

- (a) Environmental Planning and Assessment Act 1979.
- (b) State Environmental Planning Policy 64- Advertising and Signage.
- (c) Sydney Local Environmental Plan 2012.
- (d) Sydney Development Control Plan 2012.

Conclusion

84. The proposed development is generally consistent with the development standards and B4 Mixed Use zone objectives of the Sydney LEP 2012 with the exception of the height of buildings control.
85. Whilst the proposal will result in a breach of the 22m height control, the existing building already exceeds the control and the breach does not result in any unacceptable amenity impacts. The proposal is generally consistent with the objectives, standards and guidelines of the relevant planning controls. The applicant has submitted written justification seeking to vary the building height development standard pursuant to clause 4.6 variation of SLEP 2012. It is considered that compliance with the standard is unreasonable or unnecessary in the circumstances for the reasons outlined in this report.
86. The proposal includes the dedication of advertising space for community messaging. A draft Voluntary Planning Agreement has been prepared and is currently being exhibited for a period of 28 days.
87. Accordingly, the proposal is recommended for delegation to the CEO to determine following the completion of the public exhibition process for the VPA.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Rene Hayes, Senior Planner